

Congressional Hearing Testimony
PUBLIC SAFETY – OUR MOST BASIC DUTY
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Thank you, Chairwoman Jackson-Lee, Ranking Member Lungren, and Congresswoman Clarke for inviting me to appear before the House Homeland Security Subcommittee on Transportation Security and Infrastructure Protection to discuss securing New York's mass transit systems. My name is Michael Balboni and I am Governor David Paterson's Deputy Secretary for Public Safety. I have day-to-day responsibility for managing the state's homeland security affairs, emergency preparedness and response, and law enforcement activities. In 2006, I was appointed to the United States Homeland Security Advisory Council. In that role, I help leverage the ingenuity and expertise of state, local and tribal leaders to provide federal Advisory Council members with the best possible advice on a range of homeland security issues.

I am pleased to share with the Committee the steps the State of New York has taken with its regional partners to better protect and secure New York City's mass transit systems. Securing a deliberately open system that must move millions of people quickly and easily each day is challenging, but through effective multi-agency collaboration we have made tremendous progress to enhance transit security.

It is well-established that New York remains a top terrorist target. In addition to terrorism, hurricanes, natural disasters and health related emergencies prove our need to be ready to care for and protect our citizens. Although nearly six-and-a-half years have passed since the attacks of September 11th 2001, New York State demands sustained excellence in our emergency preparedness plans and homeland security initiatives.

Last year's thwarted plot to ignite jet fuel tanks at JFK International Airport in Queens reminds us that people with very bad intent, if not the immediate means of doing harm, have New York squarely in their gunsights. It was only through meticulous investigation -- "boots on the ground" police work-- and, most importantly, the ongoing cooperation among law enforcement agencies led by the FBI and New York City Police Department that this plot was uncovered.

This event proves that we must continue to be ever vigilant -- from our first responders who are our front line of defense to every citizen in this state. And it is yet another reminder to the public that if you see something suspicious, contact local law enforcement or call the New York State Terrorism Tips hotline at 1-866-SAFE NYS. In New York City, call 1-888-NYC SAFE.

Because threats evolve and maintaining readiness for disaster is a dynamic business, I would like to outline the major initiatives launched by New York State.

We know that terrorists around the world continue to focus on mass transportation targets. New York State has joined with its federal and local partners to enhance transit security, and we are continuing to make regional rail security more robust by enacting these steps:

- Joint National Guard/Port Authority Police “pop-up” patrols have been implemented on the PATH system. New York State led this effort and worked cooperatively with our security partners at the Port Authority and the State of New Jersey.
- The Metropolitan Transportation Authority has launched a “Directed Patrol” strategy for the region’s commuter rail systems (Metro North and Long Island Railroad). Working with local law enforcement agencies in the communities these trains travel through, police officers now regularly visit outlying stations, platforms and parking lots to provide high visibility deterrent patrols.
- New York State Police, the Transportation Security Administration and local police departments in the upstate cities of Syracuse, Utica and Rome are conducting rail passenger screenings at Amtrak stations.
- Rail Freight safety has been improved by working with the private sector. CSX Transportation has provided secure access to State law enforcement and Homeland Security officials regarding near real-time information on its hazardous materials rail movements.
- We are also in the process of establishing a standing New York National Guard “surge” force headquartered at Fort Hamilton in Brooklyn. This new unit will respond quickly to threats in the New York metropolitan area, mobilizing key equipment and manpower to protect critical infrastructure and respond to incidents should they arise.

Additionally, we are enhancing the training for our valiant first responders, who are our State’s front line of defense. We are providing threat-based training to hundreds of first responders from across New York State at the State’s Preparedness Training Center in Oneida County.

We also have implemented a renewed focus on cyber security. New York State has long been a leader in this field, serving as the lead information sharing and analysis center for all 50 states. Most recently, New York has focused on helping local governments achieve the cyber security necessary to protect the computer control mechanisms of critical infrastructure owned and operated by municipal governments such as dams, water and traffic systems. The New York State Office of Cybersecurity and Critical Infrastructure Coordination also works closely with the MTA on cyber security issues, providing insight on data encryption and other key security measures.

Transit Security Funding

The State’s efforts culminated in Secretary Chertoff announcing a substantial increase in transit security funding for the New York City metropolitan region in February.

The Secretary announced an FY08 award of \$153 million, a substantial increase from the FY07 grant award of \$98 million.

The grant award recognizes that the threat to New York remains of paramount concern and that New York's ridership of mass transit and the economic importance of the system requires increased investment. I would like to thank Congresswoman Clarke, Congressman King, and the entire New York Congressional Delegation for their help in passing a robust FY08 homeland security appropriations bill that increased funding for transportation security programs.

The grant also recognizes the incredible partnership of the Regional Transit Security Working Group (RTSWG). This effort -- long encouraged by the federal and state government -- views mass transit as a regional issue involving such partners as the MTA, the Port Authority of NY & NJ, New Jersey Transit, the NYPD, Amtrak, TSA, NYC DOT, the States of NJ and Connecticut, the ferry system and Westchester County DOT.

Representatives of these great partners came together to reach consensus on priorities for the 2007 round of funding and worked hard to develop a comprehensive program aimed at addressing transit needs. The NYPD and TSA were added to this partnership effort for 2007. We are extremely proud of the work of the group, which put aside parochial interests and focused on a regionalized approach to mass transit safety.

Investments recommended by the group in 2007 included security cameras, an increase in the number of explosive detection canine teams, specialized training for law enforcement personnel and new explosive detection technologies.

We have always recognized that risk should drive funding decisions and are happy to see that 45 percent of the national share of 2008 transit funds are coming to the New York metropolitan Region. This is an important statement of support for the case that we have made to the Nation.

In applauding the federal government for that recognition in the context of transit security, I continue to hope that such appreciation and understanding will be applied to all of the federal homeland security grant programs.

It would also be remiss not to mention another equally important aspect of this transit award that satisfies another suggestion New York and its regional partners have long expressed to the federal government, which is that the transit grant programs be permissive in allowing the dollars to be used for personnel costs. We strongly support the Committee's efforts to ensure that state and local governments have the flexibility to use grant funds for personnel related expenditures.

Federal dollars should be applied where they are most effective and time and time again we have learned that investing in operational packages related to transit security (VIPER teams, the K-9 teams) are one of our most effective public safety tools.

I am pleased that this grant will allow such investment at a local operational match share of 33 percent, which is less than the 50 percent match required in the 2007 program.

I am proud that federal DHS has recognized our efforts at the State and City level, but I am most pleased that this grant really recognizes the efforts of the Regional Transit Security Working Group (RTSWG) participants.

It is never easy to bring the various entities of government together but because security is so important, we have succeeded in doing that within the RTSWG concept.

We have built on our success in 2007 with recognition from our federal partners and a vibrant cooperative effort that will demonstrate a coordinated and robust public security strategy across the three-state metro region.

The federal government continues to indicate that as available homeland security resources decline, it is important to develop regional approaches and regionalized security strategies.

The February 1, 2008, announcement was proof positive that New York made its case and is effectively leveraging an important regional partnership. TSA has recognized the value of the RTSWG and rewrote their FY08 grant guidance to encourage more grantees to follow the collaborative model New York developed.

I want to commend the partners of the RTSWG for participating in that effort and making New York's mass transit systems safer. I also want to thank Secretary Chertoff and our Congressional Delegation for their continued support to our efforts.

Chairman Jackson-Lee, Congresswoman Clarke, and Members of the Committee, thank you for giving me the opportunity to discuss New York State's transit security activities. With your support, we will continue to build-on the progress we have made to date. I would be happy to answer any questions you might have.

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